

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

July 28, 2006

ROLL CALL

The meeting of the Board of Dentistry was called to order at 8:00 a.m. by David Mlnarik, Chairperson, in the Staybridge Room of the Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. The agenda was sent to the Board members and other interested parties prior to the meeting. The following members answered the roll call:

David Mlnarik, DDS, Chairman
Sam Jacoby, DDS, Vice-Chairman
Jane Lott, RDH
James P. Murphy, DDS
Julie A Marshall, DDS
Robert M. Hinrichs, DDS
Paul Tamisiea, DDS
Jane Stratman, RDH
Doris Schrader, Secretary

Absent: Judith Kissell

Present from the Credentialing Division was Becky Wisell, Section Administrator, Vonda Apking, Credentialing Coordinator and Suzanne Tesina, Credentialing Specialist; Lisa Anderson, Assistant Attorney General; Julie Akena, Assistant Attorney General; Michael Grutsch, Program Manager, and Larry Wiehn, Investigator, from the Investigations Division and Gary Westerman from the Board of Health.

Wisell told the Board that there had been changes to the Open Meeting Act and explained that there would be a copy of the Act posted at every meeting and the Board members need to clearly state what topics will be discussed during closed session.

ADOPTION OF AGENDA

Jacoby moved, seconded by Stratman, to adopt the agenda with ability for the Chairperson to rearrange as necessary. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

APPROVAL OF MINUTES

April 21, 2006

- Page 1: Under ROLL CALL, line 1, change "Paul Tamisiea" to "David Mlnarik" and line 3, delete the sentence "Introductions of the two new board members were made"; Under ADOPTION OF AGENDA, line 2, change "North Platter" to "North Platte".
- Page 2: Under INVESTIGATIONAL REPORTS-CLOSED SESSION, delete the second reference to when Kissell entered the meeting; last paragraph, line 4, change the word "pediodontists" to "pedodontists".
- Page 3: Under Report by Sub-Committee on Expanded Duties for Dental Assistants – Murphy, line 1, change the word "Rockville" to "Nebraska".

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Page 4: Under Faculty Licensure for Other than a Dental Educational Institution – Letter from Dr. Ed Vigna, line 2, change the word “Murphy” to “Staff”.

Page 5-8: No changes.

Murphy moved, seconded by Lott, to approve the minutes from the April 21, 2006 meeting, as amended. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamsiea. Voting nay: none. Absent: Kissell. Motion carried.

May 23, 2006 Conference Call

Stratman moved, seconded by Lott, to approve the minutes from the May 23, 2006 conference call. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamsiea. Voting nay: none. Absent: Kissell. Motion carried.

INVESTIGATIONAL REPORTS – CLOSED SESSION

Schrader moved, seconded by Murphy, to go into closed session at 8:16 a.m. for the purpose of hearing investigational reports and compliance monitoring reports. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamsiea. Voting nay: none. Absent: Kissell. Motion carried.

Hinrichs and Mlnarik recused themselves from discussion at 8:34 a.m.

Mlnarik returned to the meeting at 8:36 a.m.

Hinrichs returned to the meeting at 9:08 a.m.

Ruth Schuldt entered the meeting at 9:50 a.m., to give the Board compliance monitoring reports.

Ruth Schuldt left the meeting at 10:24 a.m.

Stratman recused herself from discussion at 10:31 a.m.

Stratman returned to the meeting at 10:35 a.m.

Marshall recused herself from discussion at 10:35 a.m.

Marshall returned to the meeting at 10:46 a.m.

Murphy moved, seconded by Schrader to reopen the session at 11:35 a.m. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamsiea. Voting nay: none. Absent: Kissell. Motion carried.

DISCIPLINARY INFORMATION

Actions Taken/ Pending

Lisa Anderson commented that Dr. Akkoseoglu’s attorney requested a re-hearing and that no order on this matter has been issued, that Dr. Green’s hearing is scheduled for August 7, 2006, and Dr. Wetovick voluntarily surrendered his license.

Joyce Davidson, Regulation Analysis and Integration Department, David O’Doherty and Dr. Kim McFarland entered the meeting at 11:45 a.m.

UNFINISHED BUSINESS

Report by Sub-Committee on Enteral Conscious Sedation – Tamisiea/Hinrichs

Tamisiea stated that although he has not been to a board meeting since January, at that point he was leaving it in the hands of the NDA and oral maxillofacial surgeons to carry the ball because of being turned down twice through the Board. Wisell re-submitted the legislative concept to the policy cabinet on the enteral conscious sedation and also on the special license and just received word from the Director that neither of the proposals were approved for introduction by the Department. Mlnarik asked Mr. O'Doherty where this was with the NDA, Mr. O'Doherty stated that it was not on their legislative agenda. Mlnarik requested that it be carried forward by the NDA. The Board also suggested writing a letter to Dr. Schaefer about their concerns with their legislation not being introduced.

Report by Sub-Committee on Alternatives for Expanding CE Acceptance – Mlnarik

Mlnarik discussed the request made by a pedodontist who was working on becoming a certified diplomat of the American Board of Pediatric Dentistry to appeal the approval of 10 continuing education hours and requested 35 hours of her requirements be approved for continuing education. Right now the Academy of Pediatric Dentistry does not yet give specific hours for the completion of the preparation to become a diplomat. The Board is looking at changing the regulations to give continuing education hours for becoming a diplomat in different specialties. Tamisiea moved, seconded by Jacoby, to deny the appeal and only approve the requirements to become a certified diplomat of the American Board of Pediatric Dentistry for 10 continuing education hours. The basis for this denial is because the current regulations only allows 10 continuing education hours for home study courses. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Report by Sub-Committee on Expanded Duties for Dental Assistants – Murphy

The subcommittee on Expanded Duties for Dental Assistants met in Kearney on June 3, 2006, to discuss the list of expanded duties for dental assistants and the suggested changes to regulations. The Board discussed the suggested changes. Murphy moved, seconded by Lott, to approve 172 NAC 53 Regulations Governing the Performance of Duties by Licensed Dental Hygienists and Other Dental Assistants as amended. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Clarification of §71-193.15 –Department Authorization for Dental Hygienists Conducting Public Health Related Services

Dr. Kim McFarland explained to the Board the purpose of the office of oral health and why §71-193.15 was developed. Dr. McFarland also explained that Nebraska has established local public health departments and each department has a dentist on their board. Dr. McFarland suggested that dental hygienists that would like to provide public health related services should contact the dentist on the board for their local public health department and work together to establish public health dental programs for that specific area of Nebraska. Jane Broekemeier requested Dr. McFarland's explanation in writing.

New Business - Applications for Licensure

Hinrichs moved, seconded by Tamisiea, to recommend approval of the dental hygiene application of Sonja Carroll. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Jacoby moved, seconded by Tamisiea, to recommend approval of the dental hygiene application of Jessica Reznicek. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

UNFINISHED BUSINESS

Report by Sub-Committee on Practice Act Changes – Jacoby

Stratman and Jacoby met in Kearney on June 3, 2006, to discuss changes in the practice act. Jacoby summarized the changes to the practice act and the special license issue. Wisell explained that she did submit draft language for the special license and the department will not be introducing this legislation either. Hinrichs moved, seconded by Jacoby, to send a letter to the Dr. Schaefer stating the concerns with the department's decision to not introduce the proposed legislation and how this would help the State of Nebraska potentially with access to care. Wisell suggested adding the language for the rejected enteral conscious sedation also. Hinrichs and Jacoby agreed. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried. Mlnarik suggested that David O'Doherty confer with Dr. Tamisiea on enteral conscious sedation issues and Dr. Tamisiea and Dr. Jacoby will work together to draft a letter.

LEGISLATION

2007 Legislation

Other legislation discussed earlier in the meeting.

Uniform Licensing Law (ULL) Rewrite

Wisell stated that the proposed ULL rewrite language will be introduced by the department. They have been working with the bill drafter who has prepared 944 pages of draft text that includes the ULL and practice act. The department will try to make the document available electronically by September.

REGULATION DEVELOPMENT

172 NAC 56 Regulations Governing the Practice of Dentistry and Dental Hygiene

The Board discussed the changes in the regulations. They focused on the examination portion and decided to review the examination content for the Western Regional Examining Board and Southern Regional Testing Agency examinations to determine whether they are equivalent to CRDTS.

Wisell explained that the Board of Dentistry has a negative cash balance of \$91,000. The Board determined the following increase in the fees were needed:

- \$250 for initial dental license
- \$150 for initial dental hygienist license
- \$200 for a general anesthesia permit
- \$200 for a parenteral sedation permit
- \$100 for an inhalation analgesia permit
- \$225 for renewal of a dental license
- \$125 for renewal of a dental hygiene license
- \$200 for renewal of a general anesthesia permit
- \$200 for renewal of a parenteral sedation permit
- \$100 for renewal of an inhalation analgesia permit

The Board decided that the fee for a local anesthesia certification would remain the same.

Jacoby moved, seconded by Mlnarik, to approve the new fees. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Joyce Davidson said that she talked to Roger Brink about the examinations. Neb. Rev. Stat. §71-185 mentions that the examination has to include questions on specific areas. The Board questioned whether they could write the regulations requiring applicants to pass the ADLEX or a regional examination that is determine to be equivalent by the Board. Wisell will ask Department Legal. If legal determines it is okay, staff should draft the language in regulations this way. If Legal does not agree then leave the language as drafted.

Tamisiea moved, seconded by Schrader, to accept the changes to the regulations as amended. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

AADE Annual Meeting – October 14-15, 2006 – Las Vegas, NV

Registered for the AADE meeting are Mlnarik, Hinrichs, Marshall, Lott, and Lisa Anderson.

CRDTS Issues

Mlnarik stated that one of the main problems has been the processing of scores. It has taken longer than before, but they have this issue taken care of. ADEX also has a new service that allows the state boards to access electronic score reports on-line.

ADEX Issues

Mlnarik talked about the e-mail listing of the board of directors for the 12 districts. Dr. Marvin Dvorak has been appointed to District 3, which covers Kansas, Nebraska, Oklahoma and Texas. Dr. Dvorak will keep the Dental Board informed of what is going on.

Financial Report

Wisell presented the financial report as of June 30, 2006, the end of the fiscal year. The Board went about 17% over what they expected to spend, but revenue was higher than expected. Wisell explained the operating transfers out portion of the financial report. The proposed FY07 budget will be brought to the Board in October for approval.

Practice Question - Physical Assessment Tools Used Prior to, During, and Post Dental Treatment

Dr. Varon requested to present to the Board at their next meeting. Schrader moved, seconded by Lott, to send Dr. Varon a letter stating that the use of glucometer in a dental office is outside the scope of practice of dentistry. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried. Mlnarik will write a letter and forward it to the Department to mail.

Clarification of §71-193.15 –Department Authorization for Dental Hygienists Conducting Public Health Related Services

Cynthia Carlson stated that she has not been able to talk with Dr. McFarland. Staff will put her in touch with Dr. McFarland.

New Business

Applications for Dental Licensure

Tamisiea moved, seconded by Lott, to recommend approval of the dental application of Robert Andrus. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Stratman moved, seconded by Murphy, to recommend approval of the dental application of John Millea. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Tamisiea moved, seconded by Marshall, to recommend approval of the dental application of John Rutledge. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Jacoby moved, seconded by Tamisiea, to table the dental application of Thomas Swartz until completion of a Licensee Assistance Program (LAP) chemical dependency evaluation or evidence that he already had one since 2004. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Tamisiea moved, seconded by Murphy, to recommend approval of the dental application of Todd Weber. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Jacoby moved, seconded by Hinrichs, to recommend approval of the dental application of Chris Wenburg. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Applications for Dental Hygiene Licensure

Murphy moved, seconded by Lott, to recommend approval of the dental hygiene application of Ken Anderson. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Hinrichs moved, seconded by Stratman, to recommend approval of the dental hygiene application of Kathryn Helinski. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Lott moved, seconded by Murphy, to recommend approval of the dental hygiene application of Kate Kunasek. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Schrader moved, seconded by Murphy, to recommend approval of the dental hygiene application of Lacey Smithberg. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Applications for Reinstatement

Stratman moved, seconded by Tamisiea, to recommend approval of the reinstatement application of Paul Hansen. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Murphy moved, seconded by Stratman, to recommend approval of the reinstatement application of Joseph Quattrocchi. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Application to Administer Inhalation Analgesia

Hinrichs moved, seconded by Murphy, to recommend approval of the application to administer inhalation analgesia of Gina Waite. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Application for Local Anesthesia Course Approval – Re-affirmation

Jacoby moved, seconded by Tamisiea, to reaffirm the approval of the application for local anesthesia course for Ashley Nielsen. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

GENERAL INFORMATION

The next Dental Board meeting will be held on October 6, 2006, at the Embassy Suites.

All professional board member meeting will be September 29, 2006 at the William Thompson Alumni Center at UNO Campus. The department will be sending out brochures at least 30 days prior.

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ADJOURNMENT

Jacoby moved, seconded by Murphy, to adjourn the meeting at 2:45 p.m. Voting aye: Hinrichs, Jacoby, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: none. Absent: Kissell. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Doris M. Schrader".

Doris Schrader, Secretary
Board of Dentistry